

## REMARKS

Claims 1-25 are pending in the application. Claims 1, 7, 12, 19, and 23 are independent. Claims 23-25 have been withdrawn from consideration. By the foregoing Amendment, Applicants have amended claims 1, 2, 7, and 15. These changes are believed to introduce no new matter and their entry is respectfully requested.

### Rejection of Claim 15 Under 35 U.S.C. §112, Second Paragraph

In paragraph 2, the Examiner rejected claim 15 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. By the foregoing, Amendment Applicants have amended claim 15 to depend from claim 12. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 12.

### Rejection of Claims 1-4 Under 35 U.S.C. §102(b)

In paragraph 4 of the Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,387,808 to Schlitz et al. (hereinafter “Schlitz”). In paragraph 5 of the Office Action, the Examiner rejected claims 1 and 3 under U.S.C. §102(e) as being anticipated by German Patent No. DE 43 39366 A1 to Lee (hereinafter “Lee”). A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id. citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,1236 (Fed. Cir. 1989)). Applicants respectfully traverse the rejections.

Amended independent claim 1 recites in pertinent part “forming at least one narrow region and at least one wide region in the layer of material, the narrow regions and the wide regions corresponding to the thick regions and the thin regions of the wafer” and “exposing photoresist disposed on the layer of material to light through ***a mask having a pattern to which near-resolution marks have been added***”(emphasis added). Support for these changes can be found in original claim 2.

In the Office Action, the Examiner states re claim 2 that Schlitz teaches exposing photoresist photosensitive resin 20 disposed on the layer 16 of material to light through a mask 22 having a pattern to which near-resolution marks 24 have been added. Applicants respectfully disagree with the Examiner's characterization of Schlitz. The mask 22 of Schlitz appears to have openings 24. Applicants respectfully submit that the openings 24 in Schlitz do not have ***near-resolution marks added***. Near-resolution marks are recited in claim 1. Accordingly, Applicants respectfully submit that Schlitz fails to show the identical invention as that of claim 1. Because Schlitz fails to show the identical invention as claim 1, Applicants therefore respectfully submit that claim 1 is patentable over Schlitz.

Claims 2-4 properly depend from claim 1, which applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claims 2-4 are patentable as well. MPEP §2143.03 provides that if an independent claim is unobvious, then any claim depending from the independent claim is unobvious (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1-4.

In the Office Action, the Examiner asserts that Lee teaches the method recited in independent claim 1. Applicants respectfully disagree. Applicants respectfully submit that amended independent claim 1 recites at least one element not found in Lee. For example Lee does not teach or suggest a mask having near-resolution marks added as recited in claim 1. Accordingly, Applicants respectfully submit that claim 1 is patentable over Lee.

Claim 3 properly depends from claim 1, which applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claim 3 is patentable as well. (See MPEP §2143.03 (citing *In re Fine*.)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1 and 3.

#### Rejection of Claims 5-6 Under 35 U.S.C. §103(a)

In paragraph 7, the Examiner rejected claims 5-6 under 35 U.S.C. §103(a) as unpatentable over Schlitz in view of U.S. Patent No. 5,502,564 to Ledger. (hereinafter

“Ledger”). To establish a *prima facie* case of obviousness, an Examiner must show three things: (1) that there is some suggestion or motivation to modify a reference or combine reference teachings to arrive at the claimed invention, (2) that there must be a reasonable expectation of success, and (3) that the references teach or suggest each and every element of the claimed invention. (MPEP §2143.) Applicants respectfully traverse the rejection.

Claims 5-6 properly depend from claim 1, which applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claims 5-6 are patentable as well. (See MPEP §2143.03 (citing *In re Fine*.)) Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 5-6.

Rejection of Claims 7-10 Under 35 U.S.C. §103(a)

In paragraph 8, the Examiner rejected claims 7-10 under 35 U.S.C. §103(a) as unpatentable over Schlitz in view of U.S. Patent No. 6,437,903 to Kozhukh et al. (hereinafter “Kozhukh”). Applicants respectfully traverse the rejection.

Amended independent claim 7 recites in pertinent part “forming at least one narrow region and at least one wide region in the layer of material, the narrow regions and the wide regions corresponding to the thick regions and the thin regions of the wafer” and “exposing photoresist disposed on the layer of material to light through **a mask having a pattern to which near-resolution marks have been added**” (emphasis added). Support for these changes can be found in original claim 2.

In the Office Action, the Examiner states that Schlitz as applied to claims 1-4 applies to claims 7-10. Applicants respectfully reiterate that Schlitz fails to teach near-resolution marks added to a mask. The Examiner makes no assertion and the Applicants respectfully submit that Kozhukh fails to make up for this deficiency. That is, Kozhukh also fails to teach or suggest near-resolution marks added to a mask. Accordingly, Applicants respectfully submit that Schlitz in view of Kozhukh fails to teach or suggest each and every element of claim 7. Because Schlitz in view of Kozhukh fails to teach or suggest each and every element recited in claim 7,

Applicants therefore respectfully submit that claims 7-10 are patentable over Schlitz in view of Kozhukh.

Claims 8-10 properly depend from claim 7, which applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claims 8-10 are patentable as well. (See MPEP §2143.03 (citing *In re Fine*.) ) Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 7-10.

Rejection of Claim 11 Under 35 U.S.C. §103(a)

In paragraph 9, the Examiner rejected claim 11 under 35 U.S.C. §103(a) as unpatentable over Schlitz in view of Kozhukh in further view of Ledger. Applicant respectfully traverses the rejection. Claim 11 properly depends from claim 7, which applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claim 11 is patentable as well. (See MPEP §2143.03 (citing *In re Fine*.) ) Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 11.

Rejection of Claim 12-13 and 16-17 Under 35 U.S.C. §103(a)

In paragraph 10, the Examiner rejected claims 12-13 and 16-17 under 35 U.S.C. §103(a) as unpatentable over Schlitz in view of U.S. Patent No. 5,015,602 to Van Der Plas et al. (hereinafter “Van Der Plas”) in further view of U.S. Patent No. 5,155,053 to Atkinson (hereinafter “Atkinson”). Applicants respectfully traverse the rejection.

In the Office Action, the Examiner again states that Schlitz teaches having a pattern to which near-resolution marks 24 have been added. Applicants respectfully disagree with the Examiner’s characterization of Schlitz. The reference number 24 refers to the openings 24 in the mask 22. Applicants respectfully submit that the openings 24 in Schlitz do not have ***near-resolution marks added***. The Examiner asserts that Atkinson teaches forming a pattern having near-resolution limit by direct write. Applicants respectfully disagree. Nowhere does Atkinson teach or suggest direct write of a near-resolution pattern, as recited in claim 12. Applicants respectfully submit that Van Der Plas fails to make up for this deficiency. That is, Van Der Plas also fails to teach or suggest a near-resolution pattern. Accordingly, Applicants respectfully

submit that Schlitz in view of Van Der Plas in further view of Atkinson fails to teach or suggest each and every element of claim 12. Because Schlitz in view of Van Der Plas in further view of Atkinson fails to teach or suggest each and every element recited in claim 12, Applicants therefore respectfully submit that claim 12 is patentable over Schlitz in view of Van Der Plas in further view of Atkinson.

Claims 13 and 16-17 properly depends from claim 12, which applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claims 13 and 16-17 are patentable as well. (See MPEP §2143.03 (citing *In re Fine.*)) Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 12-13 and 16-17.

Rejection of Claims 14-15 Under 35 U.S.C. §103(a)

In paragraph 11, the Examiner rejected claims 14-15 under 35 U.S.C. §103(a) as unpatentable over Schlitz in view of Van Der Plas in view of Atkinson and in further view of U.S. Patent No. 5,112,602 to Banks et al. (hereinafter “Banks”). Applicant respectfully traverses the rejection. Claims 14-15 properly depend from claim 12, which applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claims 14-15 are patentable as well. (See MPEP §2143.03 (citing *In re Fine.*)) Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 14-15.

Rejection of Claim 18 Under 35 U.S.C. §103(a)

In paragraph 12, the Examiner rejected claim 18 under 35 U.S.C. §103(a) as unpatentable over Schlitz in view of Van Der Plas in view of Atkinson and in further view of Ledger. Applicant respectfully traverses the rejection. Claim 18 properly depends from claim 12, which applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claim 18 is patentable as well. (See MPEP §2143.03 (citing *In re Fine.*)) Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 18.

Rejection of Claims 19-20 Under 35 U.S.C. §103(a)

In paragraph 13, the Examiner rejected claims 19-20 under 35 U.S.C. §103(a) as unpatentable over Schlitz in view of Van Der Plas in view of Atkinson as applied to claims 12-13 and 16-17 and in further view of Kozhukh. Applicant respectfully traverses the rejection.

Applicants reiterate that the openings 24 in Schlitz do not have near-resolution marks added, Atkinson does not teach or suggest direct write of a near-resolution pattern, and Van Der Plas fails to teach or suggest a near-resolution pattern, and Kozhukh fails to teach or suggest near-resolution marks added to a mask. Accordingly, Applicants respectfully submit that Schlitz in view of Van Der Plas in view of Atkinson in further view of Kozhukh fails to teach or suggest each and every element of claim 19, and Because Schlitz in view of Van Der Plas in view of Atkinson in further view of Kozhukh fails to teach or suggest each and every element recited in claim 19, Applicants therefore respectfully submit that claim 19 is patentable over Schlitz in view of Van Der Plas in view of Atkinson in further view of Kozhukh.

Claim 20 properly depends from claim 19, which applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claim 20 is patentable as well. (See MPEP §2143.03 (citing *In re Fine.*)) Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 19-20.

Rejection of Claims 21-22 Under 35 U.S.C. §103(a)

In paragraph 11, the Examiner rejected claims 21-22 under 35 U.S.C. §103(a) as unpatentable over Schlitz in view of Van Der Plas in view of Atkinson in view of Banks in further view of Kozukh. Applicant respectfully traverses the rejection. Claims 21-22 properly depend from claim 19, which applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claims 21-22 are patentable as well. (See MPEP §2143.03 (citing *In re Fine.*)) Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 21-22.



## CONCLUSION

Applicants submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot, and that the application is in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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